

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

G&E REAL ESTATE MANAGEMENT
SERVICES, INC. d/b/a NEWMARK
GRUBB KNIGHT FRANK¹

and

Case 28-CA-178893

PATRICK THURMAN

NOTICE TO SHOW CAUSE

On May 10, 2017, Administrative Law Judge Robert A. Ringler issued a decision in this case. The Respondent and the General Counsel each filed exceptions, a supporting brief, and an answering brief. The Respondent additionally filed a reply brief.

This case involves complaint allegations that several provisions of the Respondent's employee handbook violate Section 8(a)(1) of the National Labor Relations Act based on the prong of the analytical framework set forth in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004), that held an employer's maintenance of a facially neutral work rule would be unlawful "if employees would reasonably construe the language to prohibit Section 7 activity." *Id.* at 647. Recently, the Board overruled the *Lutheran Heritage* "reasonably construe" test and announced a new standard that applies retroactively to all pending cases. *The Boeing Co.*, 365 NLRB No. 154, slip op. 14-17 (2017).

Accordingly, the Board hereby issues the following notice to show cause why this proceeding should not be remanded to the judge for further proceedings in light of *Boeing*,

¹ Consistent with the complaint amendment accepted by the judge at the hearing, we have amended the case caption to correctly identify the Respondent.

including, if necessary, the filing of statements, reopening the record, and issuance of a supplemental decision.

NOTICE IS GIVEN that any party seeking to show cause why this case should not be remanded to the administrative law judge must do so in writing, filed with the Board in Washington, D.C., on or before October 19, 2018 (with affidavit of service on the parties to this proceeding). Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C., October 5, 2018.

By direction of the Board:

/s/Farah Z. Qureshi

Associate Executive Secretary